

Docket JLC-V4

DECLARATION, POWER OF ATTORNEY AND PETITION

I, JAMES L. COX, hereby declare that I am a citizen of the United States and a resident of the city indicated below; I further declare that I have read and understand the foregoing specification and claims in the patent application entitled, METHOD OF REPLACING SEMILUNAR HEART VALVES USING FLEXIBLE TUBES, and I verily believe I am the original and first inventor of the invention or discovery described and claimed therein; that I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; that the same was not in public use or on sale in the United States of America more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a); that I do not claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application for patent or inventor's certificate; that no foreign application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

This is a divisional application, and I claim the benefit under Title 35, United States Code, §120, of a prior United States application, serial number 08/459,979, filed on June 2, 1995, which in turn was a divisional application of United States application serial number 08/146,938, filed on November 1, 1993. I further acknowledge my duty to disclose information of which I

am aware which is material to the examination of this application in accordance with 37 CFR 1.56 if such information occurred between November 1, 1993 (the filing date of the first above-cited parent application) and the filing date of this current application.

I further declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that I have been warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Patrick D. Kelly, Registration No. 30,650, of 33 Berry Oaks, St. Louis, Missouri, 63122, as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business connected therewith in the United States Patent and Trademark Office, and in any patent office of any foreign nation, state, or organization.

WHEREFORE, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition, this 16th day of October, 1996.



James L. Cox
7 Dromara Road
Ladue, MO 63124



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 01, 1999

PTAS

KNOBBE, MARTENS, OLSON & BEAR, LLP
LORI L. YAMATO
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660



101027066A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/29/1999

REEL/FRAME: 9912/0055
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CARDIAC CONCEPTS, INC.

DOC DATE: 08/12/1998

ASSIGNEE:

3F THERAPEUTICS, INC.
20412 JAMES BAY CIRCLE
LAKE FOREST, CALIFORNIA 92630

SERIAL NUMBER: 08748055
PATENT NUMBER:

FILING DATE: 11/13/1996
ISSUE DATE:

SERIAL NUMBER: 08146938
PATENT NUMBER: 5480424

FILING DATE: 11/01/1993
ISSUE DATE: 01/02/1996

SERIAL NUMBER: 08459979
PATENT NUMBER: 5713950

FILING DATE: 06/02/1995
ISSUE DATE: 02/03/1998

SERIAL NUMBER: 08749335
PATENT NUMBER: 5824063

FILING DATE: 11/14/1996
ISSUE DATE: 10/20/1998

NO DATES DOCKETED
ATTORNEY RESPONSIBLE
INITIAL _____

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LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO THE ASSISTANT COMMISSIONER FOR PATENTS: Please record the attached original documents or copy thereof.

1. Name of conveying party:

Cardiac Concepts, Inc.

Additional name of conveying party) attached?

() Yes (X) No

2. Name and address of receiving party:

Name: 3F Therapeutics, Inc.

Address: 20412 James Bay Circle

City: Lake Forest State: California ZIP: 92630

Additional name of receiving party attached?

() Yes (X) No

3. Nature of conveyance:

(X) Assignment
() Merger
(X) Security Agreement
() Change of Name
() Other:

Execution Date: August 12, 1998

4. Application numbers or Patent numbers:

(X) Patent Application No.: 08/748,055
Filing Date: 11/13/96

(X) Patent No.: 5,480,424
Issue Date: 01/02/96

(X) Patent No.: 5,713,950
Issue Date: 02/03/98

(X) Patent No.: 5,824,063
Issue Date: 10/20/98

Additional numbers attached? () Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Lori L. Yamato
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995
Internal Address: Sixteenth Floor
Street Address: 620 Newport Center Drive
City: Newport Beach State: CA ZIP: 92660
Attorney's Docket Nos.:
3FTHERA.002A/002DV1/2DVDV1/2DVDV2

7. Total fee (37 CFR 3.41): \$160

(X) Enclosed
(X) Authorized to be charged to deposit account if any additional fees are required, or to credit any overpayment

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved:
Four (4)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Lori L. Yamato
Name of Person Signing


Signature

April 26, 1999
Date

40,881
Registration No.

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner for Patents
Box Assignments
Washington, D.C. 20231

ASSIGNMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Cardiac Concepts, Inc., a Wyoming corporation ("Assignor"), does hereby assign to 3F Therapeutics, Inc., a Delaware corporation ("Assignee"), and Assignee does hereby accept the assignment by Assignor of, any and all of Assignor's right, title and interest in and to any and all intellectual property (including without limitation patent rights, trade secret rights, and copyrights) Assignor currently possesses relating to biological heart valve, including, without limitation, all right, title and interest in and to the improvements disclosed in U.S. Patent No. 5,480,424 entitled Heart Valve Replacement Using Flexible Tubes (attached as Exhibit A hereto) and U.S. Patent No. 5,713,950 entitled Method of Replacing Heart Valves Using Flexible Tubes (attached as Exhibit B hereto), together with all right, title and interest in and to said patents and all applications claiming priority thereto, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof (collectively, the "Invention"). At any time and from time to time hereafter, Assignor shall, upon Assignee's written request and expense, execute and deliver to Assignee any and all further instruments and assurances necessary or expedient in order to vest the aforesaid intellectual property rights more effectively in Assignee.

Assignor hereby represents and warrants to Assignee, its successors and assigns that (i) Assignor is the sole owner of the Invention and, therefore, sole owner of all intellectual property right, title and interest in and to the Invention (subject to Assignee's right to an assignment thereof, as aforesaid); and (ii) Assignor has not heretofore granted to any other party a license to utilize any of the Invention, or any portion thereof; nor has Assignor entered into any agreement or reached any understanding with any other party, written or oral, pursuant to which such other party has an option, right or expectation to acquire or be granted a license to utilize the Invention, or any portion thereof, or any other interest therein of any kind whatsoever; and (iii) Assignor is not aware of any United States or foreign patent or copyright of any other party, issued or pending, that is, or might be, infringed by Assignee's production, use or sale of products embodying the Invention, or Assignee's utilization of the Invention; and (iv) Assignor is not

aware of any other person(s) who have, or might have, any basis for asserting a claim of an ownership interest in the Invention.

Dated: August 12, 1998

"ASSIGNEE"

3F THERAPEUTICS, INC.

By: Rodolfo C. Quijano
Rodolfo C. Quijano,
President

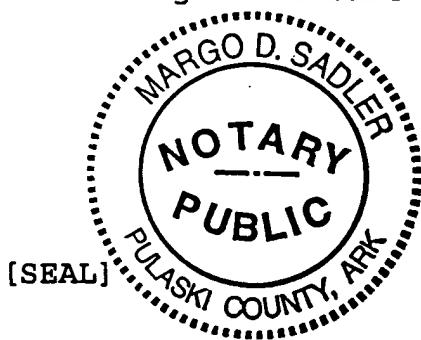
"ASSIGNOR"

CARDIAC CONCEPTS, INC.

By: Theodore C. Skokos, Pres.
Theodore C. Skokos,
President

STATE of Arkansas)
) ss.
COUNTY of Pulaski)

On this 17th day of August, 1998, before me as Notary Public in and for the State and County aforesaid, personally appeared Theodore C. Skokos known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his free act and deed.



Margo D. Sadler

Notary Public

Commission expires 4-1-2006.